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C O N F I D E N T I A L SECTION 01 OF 02 BEIJING 003094

SIPDIS

E.O. 12958: DECL: 11/12/2034  
TAGS: PREL PHUM PGOV CH  
SUBJECT: MFA RESPONDS TO HUMAN RIGHTS CASE LIST

REF: A. 11/6/09 EMBASSY-EAP/CM EMAIL  
    ¶B. BEIJING 3081

Classified By: Political Minister Counselor Aubrey Carlson.  
Reasons 1.4 (b) and (d).

¶1. (C) On November 12, MFA International Organizations Department Human Rights Division Director Yan Jiarong called in PolOff to provide a formal response to the Ambassador's November 6 handing over of a list of cases of human rights and humanitarian concern to Vice Foreign Minister He Yafei (ref A). Yan noted that the Human Rights Division was also responding to a similar representation by PolMinCouns to IO Deputy Director General Shen Yongxiang November 9 (ref B).

¶2. (C) Yan noted that China was under no obligation to respond to the U.S. request but, out of a spirit of cooperation in advance of the visit to China by President Obama, would provide information on a number of cases. Yan said that in view of this responsiveness China hoped that individual cases would not be a feature of President Obama's meetings with Chinese officials and that the President would not meet with "dissidents or other sensitive figures" during his visit, which could "embarrass his Chinese hosts." After this introduction, Yan presented a list of ten cases with short summaries on the status of each (para 4). PolOff accepted the list and promised that the USG would study it. Most of the information provided on individual cases was not new and already in the public domain. One notable item was the MFA assertion that Gao Zhisheng was not in currently detention, phrased as "not constrained by any measures of the law."

¶3. (C) Later the same day, Director Yan telephoned PolOff to seek our "reaction" to the list. Specifically, Yan asked PolOff whether the U.S. would commit to not meeting dissidents or raising individual human rights cases during President Obama's visit. PolOff declined to discuss the President's agenda for the visit and responded that the U.S. was studying the list.

¶4. (C) Begin informal Embassy translation of text:

Gao Zhisheng: Male, born 1964, Han, Shanxi origin. On August 25, 2006, Mr. Gao was detained by security organs on suspicion of inciting subversion of state power and on September 21, 2006, prosecutors approved his arrest. The High People's Court of Beijing sentenced him to three years in prison with a five-year reprieve and one-year deprivation of political rights. Mr. Gao accepted the verdict and is in Beijing for the five-year reprieve. Mr. Gao went back to Shanxi for the tomb sweeping holiday in June 2009 and has not been constrained by any measure of the law since 2007.

Gendun Choekyi Nyima: Choekyi Nyima is a normal Chinese Tibetan young man in good health. Currently, he leads a normal life with his family in Tibet and is receiving a good education. He and his family have expressed many times that they do not want their normal life being interrupted and that

their wishes should be respected.

Guo Quan: Guo organized, planned, and carried out a plot to subvert state power and overturn the socialist system. The court ruled that he committed the serious crime of subverting state power and should be punished in accordance with the law. The Intermediate People's Court of Suzhou City, Jiangsu province issued the verdict on October 16, 2009 that the defendant, Guo Quan, committed the crime of subverting state power and sentenced him to ten years in prison and a three-year deprivation of political rights. The court tried the case strictly in accordance with criminal laws and codes of criminal procedures. Mr. Guo hired two lawyers to defend himself.

Hu Jia: Male, born 1973, Han, Beijing City. Mr. Hu was sentenced by Beijing First Intermediate People's Court on April 3, 2008 to three and a half years in prison (December 27, 2007 to June 26, 2011) and a one-year deprivation of political rights. He is currently serving his term in Beijing prison.

Huang Qi: Male, Neijiang, Sichuan province. Mr. Huang was arrested for illegally holding state secrets. The Chinese People's Procuratorate has submitted the case to the court for prosecution. At present, the case is under first instance procedures.

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BEIJING 00003094 002 OF 002

Liu Xiaobo: Liu was detained on December 8, 2008 by Beijing Public Security authorities on suspicion of inciting subversion of state power. In accordance with the law, a warrant to hold him for investigation was issued. He was transferred to residential surveillance on December 9. After approval by prosecutors, on June 23, 2009, Liu was formally arrested. Liu confessed his illegal wrong-doing as accused by the Public Security authorities and admitted that his conduct violated Chinese laws. Liu, as a criminal suspect, enjoys all rights as protected by the law.

Tan Zuoren: Male, born May 15, 1954, Han, secondary school education, unemployed. Tan was arrested on April 20, 2009. The People's Procuratorate of Chengdu, Sichuan province accused him of inciting subversion of state power and submitted the case to the Chengdu Intermediate People's Court for prosecution. The case is under the review of the Chengdu Intermediate People's Court.

Wangdui (Wang Songzan): Male, born 1970, Tibetan, Quanqu, Lhasa, Tibet Autonomous Region. On October 27, 2008, the Lhasa Municipal Intermediate People's Court found Wangdui guilty of espionage. He was sentenced to life imprisonment and lifetime deprivation of political rights and is now serving his term in the Tibet Autonomous Region.

Yang Maodong (Guo Feixiong): Male, born 1966. Tianhe District People's Court of Guangzhou, Guangdong province found him guilty of the crime of illegal business activity and sentenced him to five years in prison on November 14, 2007. Yang is currently serving his term in Meizhou prison.

Xue Feng (sic): Xue was arrested by approval of the Chinese Procuratorial authorities according to the law on the charge of spying for foreign intelligence to illegally provide state secrets abroad. At present, the case is under review by the Beijing Municipal Higher People's Court in accordance with the law. In the meantime, the Chinese side has arranged a medical specialist to do a physical examination for Mr. Xue and to treat his illness and bought clothes and daily necessities for him. Upon Mr. Xue's criminal detention, the

Chinese side sent, in a timely fashion, consular notification to the American side and arranged for American officers of the U.S. Embassy Beijing to visit Mr. Xue many times in accordance with Chinese law and the bilateral consular treaty. The Chinese side will continue to fulfill relevant obligations based on the relevant provisions of the bilateral consular treaty.

End Text.

HUNTSMAN